

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

**DONALD J. ROBERTS, II, and**

**GUN OWNERS OF AMERICA, INC.,**

**Plaintiffs,**

**Case No. \_\_\_\_\_**

**v.**

**Hon.**

**U.S. JUSTICE DEPARTMENT,**

**BUREAU OF ALCOHOL, TOBACCO, FIREARMS  
AND EXPLOSIVES, and**

**REGINA LOMBARDO, in her official capacity as  
Acting Director, Bureau of Alcohol, Tobacco,  
Firearms, and Explosives,**

**Defendants.**

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**EXHIBIT A TO COMPLAINT**



## **U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

March 24, 2006

### **Open Letter to Michigan Federal Firearms Licensees**

The purpose of this letter is to advise you of an important change to the procedure you may follow beginning March 24, 2006. On this day, Michigan's Concealed Pistol Licenses (CPLs) issued on or after November 22, 2005 will qualify as an alternative to a National Instant Criminal Background Check System (NICS) check. Accordingly, the 1998 Open Letter to Michigan Federal Firearms Licensees (FFLs) is superseded in regards to the information on "Alternatives to a NICS check."

#### **Background**

The permanent provisions of the Brady Law took effect on November 30, 1998. The Brady Law generally requires licensed dealers to initiate a NICS background check through the FBI (or the State in a Point of Contact State) before transferring a firearm to an unlicensed individual. However, the Brady Law contains a few exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms.

In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) sent an Open Letter to all Michigan FFLs stating Michigan's Permit to Purchase a Handgun would qualify as an alternative to the background check required under the Brady Law, but that the CPL would not. ATF's recognition of the Permit to Purchase a Handgun as a Brady alternative was based on the fact that Michigan conducted background checks through NICS prior to the issuance or renewal of these permits, and denied a permit to anyone prohibited under Federal, State, or local law. This process was not followed before the issuance of a CPL, and therefore the CPL did not qualify for the exception.

Michigan recently passed a law, effective November 22, 2005, changing the way the CPL is issued. The Michigan Attorney General asked ATF to review whether the CPL now meets the statutory and regulatory requirements for the NICS exception. ATF's review found that CPLs issued on or after November 22, 2005, do meet the requirements. Accordingly, all Michigan Permits to Purchase a Handgun and CPLs issued on or after November 22, 2005, now both qualify as NICS check alternatives.

#### **How This Affects FFLs**

Beginning March 24, 2006, if an unlicensed person presents you with a Michigan CPL issued on or after November 22, 2005, no NICS check is necessary. However, the required information about the license must be recorded in question 23 of the ATF Form 4473, Firearms Transaction Record. As stated above,

the Michigan Permit to Purchase a Handgun continues to be a NICS alternative. Please note, Michigan CPLs issued prior to November 22, 2005 and Michigan's Temporary Concealed Pistol License do not qualify as NICS alternative. Therefore if someone presents you with one of these licenses, you must conduct a NICS check.

If you have any questions, please call your local field office or ATF's Brady Operations Branch at (304) 616-4200. As always, we thank you for your cooperation.

A handwritten signature in cursive script, reading "Lewis P. Raden". The signature is written in dark ink and is centered on the page.

Lewis P. Raden  
Assistant Director  
Enforcement Programs and Services